MONTANA LEGISLATIVE HISTORY

Chapter 301 19 97

Bill H _____ S 213 Original bill & history ✓ C

H. Committee on Taxation			S. Committee on Taxation		
Hearing Date(s)	3/5	✓ C	Hearing Date(s)	1/30	✓ C
		C			C
		C			C
		C			C
Date Out		C			

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

LEGISLATIVE HISTORIES

The 1997 Montana Legislature dramatically changed the nature of legislative minutes. This altered format continues with the 1999 legislative minutes. The minutes from House committees are extremely sparse in content, offering no substantive information from which to glean legislative intent. The Senate committees' minutes are fuller in content.

Exhibits, which include written statements, attendent information, roll call votes, roll call attendance, a list of those from the public who were present, and specific action taken on legislative bills, will be available only through the Historical Society Archives, 444-4774, and from a CD-ROM produced by the Legislative Services Division, 444-3064.

Just as in the 1997 legislative session, the 1999 House and Senate committee hearings were recorded. For information on accessing the tapes, or purchasing them, contact the Archives, 444-4774.

If you have concerns over the format of these legislative minutes, it is suggested that you contact your state legislators.

SB 212 INTRODUCED BY MCNUTT, ET AL. *LC0969 DRAFTER: MACMASTER*

REQUIRE A JURY AWARD OF PUNITIVE DAMAGES TO BE UNANIMOUS AS TO LIABILITY AND AMOUNT

1/22	INTRODUCED		
1/22	FIRST READING		
1/22	REFERRED TO JUDICIARY		
1/30	HEARING		
2/08	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/11	2ND READING PASSED	31	18
2/12	3RD READING PASSED	30	20
	TRANSMITTED TO HOUSE		
2/13	FIRST READING		
2/13	REFERRED TO JUDICIARY		
3/05	HEARING		
3/07	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
4/03	2ND READING CONCURRED AS AMENDED	60	37
4/05	3RD READING CONCURRED	65	35
	RETURNED TO SENATE WITH AMENDMENTS		
4/09	2ND READING AMENDMENTS CONCURRED	50	0
4/10	3RD READING CONCURRED AS AMENDED	38	12
4/15	SIGNED BY PRESIDENT		
4/16	SIGNED BY SPEAKER		
4/16	TRANSMITTED TO GOVERNOR		
4/21	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 328		
	EFFECTIVE DATE: 04/21/97		

SB 213 INTRODUCED BY MAHLUM, ET AL. *LC0496 DRAFTER: MARTIN*

REVISE THE PROPERTY TAX EXEMPTION FOR A DISABLED VETERAN OR SURVIVING SPOUSE

1/23	INTRODUCED		
1/23	FIRST READING		
1/23	REFERRED TO TAXATION		
1/23	FISCAL NOTE REQUESTED		
1/29	FISCAL NOTE RECEIVED		
1/29	FISCAL NOTE PRINTED		
1/30	HEARING		
2/01	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/07	2ND READING PASSED	49	0
2/08	3RD READING PASSED	47	0
	TRANSMITTED TO HOUSE		
2/10	FIRST READING		
2/10	REFERRED TO TAXATION		
3/05	HEARING		
3/06	COMMITTEE REPORT—BILL CONCURRED		
4/08	2ND READING CONCURRED	98	1
4/09	3RD READING CONCURRED	99	1
	RETURNED TO SENATE		
4/14	SIGNED BY PRESIDENT		
4/15	SIGNED BY SPEAKER		
4/15	TRANSMITTED TO GOVERNOR		
4/17	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 301		
	EFFECTIVE DATE: 01/01/98		

Senate BILL NO. 213

INTRODUCED BY [illegible]

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE PROPERTY TAX EXEMPTION FOR A DISABLED VETERAN OR SURVIVING SPOUSE; ELIMINATING THE INCOME LIMITATION APPLICABLE TO THE PROPERTY TAX EXEMPTION FOR A DISABLED VETERAN; INCREASING THE INCOME LIMITATION APPLICABLE TO THE PROPERTY TAX EXEMPTION FOR A SURVIVING SPOUSE; AMENDING SECTION 15-6-211, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 15-6-211, MCA, is amended to read:

"**15-6-211. Certain disabled or deceased veterans' residences exempt.** (1) A residence, including the lot on which it is built, that is owned and occupied by a veteran or a veteran's spouse is exempt from property taxation ~~under the following conditions. The~~ if the veteran ~~must~~:

(a) ~~have been~~ was killed while on active duty or ~~have~~ died as a result of a service-connected disability; or

(b) if living:

(i) ~~have been~~ was honorably discharged from active service in any branch of the armed services; and

(ii) ~~be~~ has been rated 100% disabled ~~due to~~ because of a service-connected disability by the United States department of veterans affairs or its successor~~; and~~

~~(iii) have an annual adjusted gross income, as reported on the latest federal income tax return, of not more than $15,000 for a single person and $18,000 for a married couple~~.

(2) ~~Property shall continue to be exempt~~ The property tax exemption under this section remains in effect ~~so~~ as long as the property is the primary residence owned and occupied by the veteran or, if the veteran is deceased, by the veteran's spouse and the spouse:

(a) is the owner and occupant of the house;

(b) has an annual adjusted gross income, as reported on the latest federal income tax return, of

not more than ~~$15,000~~ $25,000;

(c) is unmarried; and

(d) has obtained from the United States department of veterans affairs a letter indicating that the veteran was 100% service-connected disabled at the time of death or that the veteran died while on active duty or as a result of a service-connected disability."

NEW SECTION. **Section 2. Effective date -- retroactive applicability.** [This act] is effective on passage and approval and applies retroactively, within the meaning of 1-2-109, to property tax years beginning after December 31, 1996.

-END-

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
55th LEGISLATURE - REGULAR SESSION

COMMITTEE ON TAXATION

Call to Order: By Chairman Chase Hibbard, on March 5, 1997, at 8:00 a.m., in Room 437.

ROLL CALL

Members Present:

Rep. Chase Hibbard, Chairman (R)
Rep. Robert R. Story, Jr., Vice Chairman (Majority) (R)
Rep. Robert R. "Bob" Ream, Vice Chairman (Minority) (D)
Rep. Peggy Arnott (R)
Rep. Paul Bankhead (R)
Rep. John C. Bohlinger (R)
Rep. Bill Carey (D)
Rep. Alvin A. Ellis, Jr. (R)
Rep. Marian W. Hanson (R)
Rep. Hal Harper (D)
Rep. Dan W. Harrington (D)
Rep. Rick Jore (R)
Rep. Scott J. Orr (R)
Rep. Bob Raney (D)
Rep. John "Sam" Rose (R)
Rep. William M. "Bill" Ryan (D)
Rep. Richard D. Simpkins (R)
Rep. Emily Swanson (D)
Rep. Lila V. Taylor (R)
Rep. Jack Wells (R)

Members Excused: None.

Members Absent: None.

Staff Present: Lee Heiman, Legislative Services Division
Donna Grace, Committee Secretary

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 555 (2/17)
SB 191 (2/17)
SB 213 (2/17)

Executive Action: HB 555 - Do Pass
SB 191 - Concur
SB 213 - Concur
HB 63 - Do Pass as Amended
SB 151 - Concur
HB 403 - Table

HEARING ON SB 213

Opening Statement by Sponsor:

Sen. Dale Mahlum, Senate District 35, presented a bill that would provide 100% property tax exemption for disabled veterans. *{Tape: 1; Side: A; Approx. Time Count: 9,7.}*

Proponents' Testimony:

Todd Brandoff, Disabled Veteran, Lolo. *{Tape: 1; Side: A; Approx. Time Count: 3.7.}*

Roger Hagan, Officer and Employee Association of the Montana National Guard. **EXHIBIT 1.** *{Tape: 1; Side: A; Approx. Time Count: 6.4.}*

Hal Manson, American Legion. *{Tape: 1; Side: A; Approx. Time Count: 7.0.}*

Joe Brand, Legislative Chairman, VFW. *{Tape: 1; Side: A; Approx. Time Count: 9.0.}*

Opponents' Testimony:

None.

Informational Testimony:

None.

Questions From Committee Members and Responses:

{Tape: 1; Side: A; Approx. Time Count: 10.0.}

Closing by Sponsor:

Sen. Mahlum closed the hearing. *{Tape: 1; Side: A; Approx. Time Count: 16.1.}*

HEARING ON HB 555

Opening Statement by Sponsor:

Rep. Dick Simpkins, House District 49, opened the hearing on HB 555 which would extend the alcohol production tax incentive. **EXHIBIT 2.** *{Tape: 1; Side: A; Approx. Time Count: 19.8.}*

Proponents' Testimony:

Tim Babcock, Former Governor of Montana. *{Tape: 1; Side: A; Approx. Time Count: 28.3.}*

MINUTES

MONTANA SENATE
55th LEGISLATURE - REGULAR SESSION

COMMITTEE ON TAXATION

Call to Order: By **CHAIRMAN GERRY DEVLIN**, on January 30, 1997, at 8:00 a.m., in Room 413.

ROLL CALL

Members Present:
Sen. Gerry Devlin, Chairman (R)
Sen. Mike Foster, Vice Chairman (R)
Sen. Mack Cole (R)
Sen. Bob DePratu (R)
Sen. Dorothy Eck (D)
Sen. Wm. E. "Bill" Glaser (R)
Sen. Mike Sprague (R)
Sen. Barry "Spook" Stang (D)
Sen. Fred R. Van Valkenburg (D)

Members Excused: None

Members Absent: None

Staff Present: Jeff Martin, Legislative Services Division
Renee Podell, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:
Hearing(s) & Date(s) Posted: SB 213; SB 209
Executive Action: SB 134 (DP);
SB 195 (DP);
SB 184 (DP)
SB 177 (No final action taken)

HEARING ON SB 213

{Tape: 1; Side: A; Approx. Time Count: .4; Comments: None.}

Sponsor: **SEN. DALE MAHLUM, SD 35, MISSOULA**

Proponents:
Todd Brandoff, 100% Disabled Veterans
Hal Manson, American Legion
Jim Jacobson, Montana Veterans' Affairs Division
SEN. MIKE HALLIGAN, SD 34, MISSOULA

Opponents: None

Opening Statement by Sponsor:
SEN. DALE MAHLUM, SD 35, MISSOULA opens by stating this is an act revising the property tax exemptions for disabled veterans. It eliminates an income limitation. This is a bill about caring; a bill about giving back something to people who have put their lives on the line for our country, our state and for their respective communities.

Proponents' Testimony:

Todd Brandoff, 100% Disabled Veterans emphasizes the importance of this bill. Has spent years in the recovery process. His property taxes are supposed to be excused but since his wife makes more than the $18,000 limit they don't qualify. His income is less than $1,200 annually.

Hal Manson, American Legion asks that the limit be lifted. The American Legion support the bill.

Jim Jacobson, Montana Veterans' Affairs Division indicates we have 95,400 veterans in the State of Montana. Has spoken with Governor Racicot about this bill and says the Governor cannot support the bill due to budget and revenue projections, but puts the bill high on his priority list should budget and revenue issues allow his support. Governor Racicot does support veterans' issues.

SEN. MIKE HALLIGAN, SD 34, MISSOULA has been working with Mr. Brandoff since the last session trying to address this issue. He says there is no way to minimize the impact to local governments but there has to be at least some discussion as to whether we want to eliminate the threshold or address the threshold in a manner that would allow people to make realistic use of this program. There is a fiscal impact.

Opponents' Testimony: None

Informational Testimony: None

Questions From Committee Members and Responses:

SEN. MIKE FOSTER asks **Randy Wilke, Department of Revenue** regarding page 1, line 25, when the figures were adopted. **Mr. Wilke** states he can't say. **SEN. FOSTER** asks if it's fair to say it's been twenty years. **Mr. Wilke** indicates it was 1979.

SEN. BOB DEPRATU references page 2, line 5 - does this preclude a spouse from collecting the benefits if the veteran died of natural causes. **Mr. Wilke** says no, the criteria for spouse has to be met, however. **SEN. DEPRATU** stresses the wording again,

referencing the possibility of death occurring unrelated to the service-connected disabilities. **Mr. Wilke** responds that the criteria have to do with the spouse.

SEN. MIKE SPRAGUE asks **SEN. MIKE HALLIGAN** to clarify the definition of "service-connected disability." **SEN. HALLIGAN** states the definition is consistent with federal law; has been litigated many times.

SEN. BARRY STANG asks **Mr. Wilke** if the $25,000 applies whether a veteran is single or married. **Mr. Wilke** responds there are two levels of activity going on. The first one deals with the actual veteran - the income limitation for that one would be eliminated whether they're married or not. The second one pertains to the spouse - the income level must then be met if the veteran has died.

SEN. FRED VAN VALKENBURG queries **Mr. Jacobson** as to the number of Montana veterans who are 100% disabled. **Mr. Jacobson** indicates the current figure is 722.

SEN. DOROTHY ECK asks how many of the 722 have incomes above the current limit. **Mr. Jacobson** does not know. **SEN. ECK** inquires how many veterans have been taking advantage of this at the current limitation level. **Mr. Jacobson** indicates the figure is around 400 based on the number of letters which have been received by the Department of Revenue.

SEN. MIKE SPRAGUE asks if it would be a fair assumption that the number of veterans who would qualify for 100% disability should diminish. **Mr. Jacobson** indicates accidents continue but hopefully we won't have too many more major conflicts in the near future.

CHAIRMAN GERRY DEVLIN comments we could add to the number if certain things happen in the Desert Storm syndrome. **Mr. Jacobson** agrees.

Closing by Sponsor: **SEN. MAHLUM** closes stating many of the veterans do not have homes and would not qualify. Many veterans' organizations who did not testify today have indicated they are in full support of this legislation. He believes these veterans deserve special consideration.

HEARING ON SB 209

{Tape: 1; Side: B; Approx. Time Count: 27.9; Comments: None.}

Sponsor: **SEN. DELWYN GAGE, SD 43, CUT BANK**

Proponents: